

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE LOCAL GOVERNMENT COMMITTEE**

**Date:** Thursday, February 12, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** 172

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 404, HB 405, HB 410, HB 439, HB 505

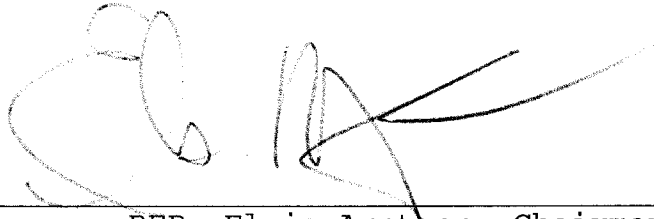
**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

None

**COMMENTS:**

Tabled HB 439. HB 406 was moved do pass, a motion to table failed 6-12, and the motion to do pass was withdrawn.

  
\_\_\_\_\_  
REP. Elsie Arntzen, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**Local Government Committee**

DATE: 2/12/2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Vice Chair MacLaren	X	
Vice Chair Hands		X
Representative Becker		X
Representative Bennett		X
Representative Berry		X
Representative Driscoll	X	
Representative Ebinger	X	
Representative Grinde		X
Representative Hamilton	X	
Representative Ingraham	X	
Representative Menahan		X
Representative More	X	
Representative Reichner	X	
Representative Reinhart	X	
Representative Sands	X	
Representative Stahl	X	
Representative Vance	X	
Chairman Arntzen	X	

## COMMITTEE FILE COPY

### TABLED BILL

The **HOUSE LOCAL GOVERNMENT COMMITTEE** Tabled **HB 439**, by motion, on **Thursday, February 12, 2009**.

Katie Butcher  
(For the Committee)

Mike King  
(Chief Clerk of the House)

\_\_\_\_\_, 2/13  
(Time) (Date)

February 13, 2009

Katie Butcher, Secretary

Phone: 406-444-4482

**HOUSE OF REPRESENTATIVES**  
**Roll Call VOTE**  
**Local Government Committee**

DATE: 2/12/2009 HB # or Motion Type: Table<sup>HB</sup> 406-

<u>NAME</u>	<u>Yes</u>	<u>No</u>
Vice Chair MacLaren		X
Vice Chair Hands		X Proxy
Representative Becker		X
Representative Bennett		X Proxy
Representative Berry		X Proxy
Representative Driscoll		X
Representative Ebinger		X
Representative Grinde		X Proxy
Representative Hamilton		X
Representative Ingraham	X	
Representative Menahan		X
Representative More	X	
Representative Reichner	X	
Representative Reinhart		X
Representative Sands		X
Representative Stahl	X	
Representative Vance	X	
Chairman Arntzen	X	

Total

6 - 12

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Arlene Becker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT                      AYE      NO

HB <del>2046</del>		
TABLE MOTION		✓

BILL/AMENDMENT                      AYE      NO


Rep. \_\_\_\_\_

Arley [Signature]  
(Signature)

Date \_\_\_\_\_

2/12/09

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Rep Becker

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

HB 4204d		
TABLE MOTION		✓

BILL/AMENDMENT

AYE NO


Rep.

Kanda Grude

(Signature)

Date

2/12/09

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the

Local Govt

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

TABLE 406		✓

BILL/AMENDMENT

AYE NO


Rep. Tom Berry

TOM BERRY (Signature)

Date

2.12.09

BENNETT

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the Local Govt

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT                      AYE      NO

TABLE 406		✓

BILL/AMENDMENT                      AYE      NO


Rep. G. Bennett  
(Signature)

Date 2.12.09



**Montana House of Representatives  
Visitors Register**

**Local Government**

**Date** 2/12/09

**Bill No.** H8404 **Sponsor(s)** Rep. Reinhardt

Uniform Standards for Circumstances of Survey and Final  
**PLEASE PRINT** **PLEASE PRINT** **PLEASE PRINT** subdivision  
plans

Name and Address	Representing	Support	Oppose	Inf.
<del>Myra Smith</del>	JPIA / MACO	X		
<del>Kim Hill</del>	MACO	X		
Kim Chambers	Missoula	X		
Bill Cameron	Missoula	X		
Bob Olson	Missoula	✓		
Nancy Rose	MBTA	X		
Daniel Watson	ROSBURG COUNTY	X		
GARY TAYLOR	Missoula	X		
Maureen Connor	Granite County			<del>✓</del>
JACK WALSH	HBIA	X		
Joe Roberts	MARLS	X		
TIM DAVIS	MS6C	X		
<del>John Law</del>				
Dan McCre	SD 29	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**Montana House of Representatives  
Visitors Register**

**Local Government**

**Date** 2/12/2009

**Bill No.** HB 505 **Sponsor(s)** Rep. Reinhart

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Cassey Perkins	MT Audubon	X		
Todd Kheelz		X		
Patricia Bick	Black Fork Coalition	X		
<del>Jimmy Bick</del>	Missoula		X	
<del>John Chambers</del>	Missoula		X	
Bob Olson	Missoula		X	
Glenn Oppel	MT Realtors		X	
Maureen Connor	Granite County			<del>Inf.</del>
JACK WALSH			X	
<del>Shirley Browning</del>				
John Harbuck	MBIA		X	
CHIP PIGNAR	BBIA		X	
George Calverley	FBA		X	
Destin Stewart	MBIA		X	
Richard Smith	MBIA		X	

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**Montana House of Representatives  
Visitors Register**

**Local Government**

**Date** 2/12/09

**Bill No.** HB 405

*(Criteria for local subdln review)*

**Sponsor(s)** Rep Reinhart

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Cassey Perkins	MT Audubon	X		
Pamela Puk	Blackfoot Coalition	X		
Myra Smith	JPA MAC	X		
Kim Chamberlain	Missoula		X	
Bill Cameron	Missoula		X	
Bob Olson	Missoula		X	
James R. Kosch	Parade County Commission	X		
Daniel Watson	ROSEBUD COUNTY	X		
Margreen Connor	Granite County	X		
Kenyon	Wickville		X	
Glenn Oppel	MT Realtors		X	
JACK WALSH	HBIA		X	
TIM DAVIDS	MSGC	X		
John Harding	MBTA		X	
CHIP PIGMAN	BBIH		X	
Jess Sealey	L&C County	X		
RICHARD SMOOT	MBIA		X	
George Culpeper	FBA		X	

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

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**Montana House of Representatives  
Visitors Register**

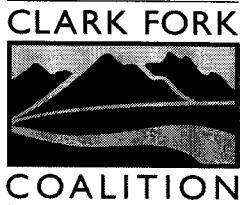
**Local Government**

**Date** 2/12/09

**Bill No.** HB 410 **Sponsor(s)** Rep Pomnichewski  
*Revised calculation of cash in lieu of park dedication*  
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Name and Address	Representing	Support	Oppose	Inf.
<del>Kim Chambers</del>	<del>MISSOULA</del>		X	
Kim Chambers	MISSOULA		X	
Bill Clauson	MISSOULA		X	
Bob Olson	MISSOULA		X	
Nancy Rae	MBIA		X	
Daniel Watson	RESEBUS			<del>///</del>
<del>James R. Kosch</del>	<del>MISSOULA</del>		X	
Glenn Appel	MT Realtors		X	
Ron Dingman	Bezeman	X		
James R. Kosch	Ravalli County Commission	X		
Maureen Connor	Granite County			<del>///</del>
Jack WALSH	HBIA		X	
Joe Rasmussen	MARIS		X	
CHIP PIGMAN	BBIA		X	
John Harding	MBIA		X	
George A. Wagner	IFBIA		X	
Jusie Browning	Granite Co.	X		
Richard G. Gault	MBIA		X	
Laura O'Beir	Broadwater County	X		
Austin Steiner	MBIA		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



**House Local Government Committee**

Arntzen, Elsie (R) (Chair)  
Hands, Betsy (D) (Vice Chair)  
MacLaren, Gary (R) (Vice Chair)  
Becker, Arlene (D)  
Bennett, Gerald (R)  
Berry, Tom (R)  
Driscoll, Robyn (D)  
Ebinger, Bob (D)  
Grinde, Wanda (D)  
Hamilton, Robin (D)  
Ingraham, Pat (R)  
Menahan, Mike (D)  
More, Michael (R)  
Reichner, Scott (R)  
Reinhart, Michele (D)  
Sands, Diane (D)  
Stahl, Wayne (R)  
Vance, Gordon (R)  
cc: Joe Kolman, Staff

February 12, 2009

*Re: HB 405*

Dear Chairman Arntzen and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 405. The Clark Fork Coalition works to protect and restore the Clark Fork River watershed. We are comprised of 1,500 members who live, work and play within this 22,000-square-mile basin in western Montana.

**The Clark Fork Coalition supports HB 405.** The bill would require a thorough and adequate evaluation of a proposed subdivision's impacts on the surrounding natural resources.

**"Public knowledge, public participation"** – Currently, subdividers aren't required to demonstrate any potential negative impacts from the proposed subdivision. This bill would make sure that the public is aware of potential impacts to our natural resources, and makes this information available to the citizens living near the proposed subdivision. Having this information during the subdivision review process allows future neighbors to highlight aspects of the proposal that could have damaging and potentially irreversible impacts on wildlife, delicate habitat, water quality, community character, etc.

**“Burden of proof”** – Right now, taxpayers have to bear the burden of proving when demonstrating negative impacts of subdivisions. This bill would shift the costs and the burden to the developer instead of local governments—which are already overextended—and would require credible evidence as opposed to a cursory and often incomplete and ineffective review of the impacts. Subdividers should be required to mitigate any adverse effects, as the water, air, etc. resources belong to all Montanans.

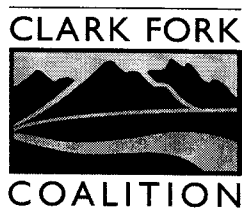
**“Death by a thousand cuts”** – Though a single subdivision might only have a minimal or modest impact to overall environmental health, the cumulative impact of hundreds of subdivisions could be substantial and irreversible. The failure to *mitigate or even evaluate impacts to our resources* is an irresponsible approach to development, compromising Montana’s natural resources for residents and visitors alike.

Thank you for your time and consideration. Please feel free to contact the Coalition with any questions or concerns. We look forward to working with the Committee as we continue the conversation on how best to address the challenges and opportunities facing Montana’s natural resources.

Sincerely,

Brianna Randall  
Water Policy Directory  
[brianna@clarkfork.org](mailto:brianna@clarkfork.org)  
406.542.0539

Garrett James Budds  
Conservation Director & Staff Attorney  
[garrett@clarkfork.org](mailto:garrett@clarkfork.org)  
406.542.0539



**House Local Government Committee**

Arntzen, Elsie (R) (Chair)  
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More, Michael (R)  
Reichner, Scott (R)  
Reinhart, Michele (D)  
Sands, Diane (D)  
Stahl, Wayne (R)  
Vance, Gordon (R)  
cc: Joe Kolman, Staff

February 12, 2009

*Re: HB 505*

Dear Chairman Arntzen and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 505. The Clark Fork Coalition works to protect and restore the Clark Fork River watershed. We are comprised of 1,500 members who live, work and play within this 22,000-square-mile basin in western Montana.

**The Clark Fork Coalition supports HB 505.** This bill enable local governments to further protect our finite and fragile lakeshores when increased protection is warranted.

**"Local Control"** – This bill will allow local control over our valuable waters. Currently, Montana statute defines "lake" as "a body of natural water...having a water surface area of at least 160 acres." (MCA 75-7-202 (1)). While the statue allows local governments to change the minimum size in the definition of "lake" (to a size no smaller than 20 acres), it does not extend that authority to the definition of "lakeshore." Montana statute defines "lakeshore" as "the perimeter of the lake when the lake is at mean annual high-water elevation, including the land within 20 horizontal feet from that high-water elevation." (MCA 75-7-202 (2)). Montana is a state possessing great geographic and geologic variety. The minimum numeric standard applied to every body of water that is *or could be* defined as a lake

is often insufficient to protect these valuable resources. Local governments are in a unique position to determine which areas need greater protection than the minimum afforded by statute. Much as they are allowed to change the minimum size of "lake," local governments should have the opportunity to increase the minimum area of "lakeshore" protected.

**"Protecting Values"** – This bill would help local governments to protect property and natural resource values. Lakeshores are just as valuable as the lakes, because they buffer runoff and thereby increase or maintain water quality; provide critical wildlife habitat; protect property values; and protect viewsheds for lake recreationists.

**"Science-based"** – This bill would allow local governments to increase the distance in the definition of a "lakeshore" to protect public health, safety, and welfare. However, to do so they would be required to use peer-reviewed scientific studies as the basis for the decision. This will result in the objective and appropriate application of increased protections.

Thank you for your time and consideration. Please feel free to contact the Coalition with any questions or concerns. We look forward to working with the Committee as we continue the conversation on how best to address the challenges and opportunities facing Montana's natural resources.

Sincerely,

Brianna Randall  
Water Policy Director  
[brianna@clarkfork.org](mailto:brianna@clarkfork.org)  
406.542.0539

Garrett James Budds  
Conservation Director & Staff Attorney  
[garrett@clarkfork.org](mailto:garrett@clarkfork.org)  
406.542.0539